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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 Jennifer Walton,

5 Plaintiff

6 v.

7 State of Nevada, et al.,

8 Defendants  
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Case No. 2:24-cv-02235-CDS-EJY

**Order Adopting Magistrate Judge's  
Report and Recommendation and Denying  
as Moot Defendant's Motion to Dismiss**

[ECF Nos. 6, 9]

10 Plaintiff Jennifer Walton attempts to “remove” a Las Vegas Justice Court traffic citation  
11 to this court by filing this action, asserting violations of due process. ECF No. 1-2. Walton also  
12 applied to proceed *in forma pauperis*, so United States Magistrate Judge Elayna J. Youchah  
13 screened the pleading and determined that it was not a complaint. Order, ECF No. 3. Walton  
14 was provided the civil rights complaint form and information and instructions for filing it. *Id.*  
15 Walton timely complied, however rather than filing a properly pleaded complaint, she filed a  
16 document titled “petition for redress of grievances/cross bill.” ECF No. 5. Judge Youchah again  
17 screened Walton’s pleading and issued a report and recommendation (R&R) that I deny the  
18 petition with prejudice. R&R, ECF No. 9. Judge Youchah reasons that the “filing includes a  
19 series of numbered paragraphs that allege largely indecipherable facts untethered to any specific  
20 defendant or violation of law.” *Id.* at 1. Walton had until March 5, 2025, to file any specific  
21 written objections to the R&R. *Id.* at 2 (citing Local Rule IB 3-2 (stating that parties wishing to  
22 object to the magistrate judge’s findings and recommendations must file specific written  
23 objections within fourteen days)); *see also* 28 U.S.C. § 636(b)(1) (same). To date, no objection is  
24 filed.

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1 Although “no review is required of a magistrate judge’s report and recommendation  
2 unless objections are filed,”<sup>1</sup> the Ninth Circuit has instructed courts to consider the following  
3 factors in determining whether to dismiss an action for failure to comply with the court’s order:  
4 “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its  
5 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of  
6 cases on their merits, and (5) the availability of less drastic sanctions.” *Thompson v. Hous. Auth. of*  
7 *City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

8 The first two factors, the public’s interest in expeditious resolution of litigation as well  
9 as the court’s need to manage its docket, weigh in favor of dismissal. As Judge Youchah finds,  
10 Walton’s filing is frivolous and delusional, and does not state a claim upon which relief can be  
11 granted. ECF No. 9 at 2 (citing ECF No. 5 at 3). The law presumes that the public has an interest  
12 in the expedient resolution of litigation. Fed. R. Civ. P. 1; *Yourish v. California Amplifier*, 191 F.3d  
13 983, 990 (9th Cir. 1999) (presuming the public interest in expeditious resolution of litigation  
14 always favors dismissal). However, when “one cannot determine from the complaint who is  
15 being sued, for what relief, and on what theory, with enough detail to guide discovery,” dismissal  
16 is proper. *McHenry v. Renne*, 84 F.3d 1172, 1176, 1177–1178, 1179 (9th Cir. 1996) (affirming dismissal  
17 with prejudice of a “prolix, confusing” complaint consisting of a “rambling” narrative). “The  
18 Federal Rules require that claims ‘be simple, concise, and direct.’” *Id.* at 1177. That is why the  
19 court’s inherent power to control its docket includes the ability to issue sanctions of dismissal  
20 where appropriate. *Thompson*, 782 F.2d at 831.

21 The third factor for consideration, the risk of prejudice to the defendants—albeit there is  
22 a low risk of prejudice to the defendants at this stage because they have not yet been served—  
23 also weighs in favor of dismissal. Walton’s filing does not include plain statements of the  
24 allegations to put the defendants on notice of the claims against them. Instead, Walton  
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26 <sup>1</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150  
(1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 references migrating on ancestral lands, an unlawful towing of her vehicle, and a trespass on her  
2 freedoms. R&R, ECF No. 9 (citing ECF No. 5 at 3). Walton's filing poses a risk of prejudice to  
3 the defendants because frivolous and delusional allegations do not give the defendant "fair notice  
4 and enable the opposing party to defend itself effectively." *Whitaker v. Body, Art & Soul Tattoos L.A.,*  
5 *LLC*, 840 F. App'x 959 (9th Cir. 2021).

6 The fourth factor, the public policy favoring disposition of cases on their merits, always  
7 weighs against dismissal. But this case cannot move toward resolution, on the merits or  
8 otherwise, if the plaintiff fails to state a claim upon which relief may be granted. *Buckey v. Los*  
9 *Angeles*, 968 F.2d 791, 794 (9th Cir. 1992) (dismissal is warranted if it appears beyond a doubt  
10 that the plaintiff can prove no set of facts in support of his claims that would entitle him to  
11 relief). Therefore I find that the fourth factor is greatly outweighed by the factors favoring  
12 dismissal.

13 The fifth factor, the availability of less drastic sanctions, also weighs towards dismissal.  
14 As noted in the R&R, Walton's petition is derived from various "sovereign citizen" theories. I  
15 agree that no amendment could save Walton's action and present a cognizable legal theory  
16 entitling her to relief. *Mackey v. Bureau of Prisons*, 2016 U.S. Dist. LEXIS 77403 (E.D. Cal. June 14,  
17 2018) (stating that courts across the country have uniformly rejected arguments based on the  
18 sovereign citizen ideology as frivolous, irrational, or unintelligible) (internal quotations  
19 omitted); *see also United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) (recommending that  
20 sovereign citizen arguments "be rejected summarily, however they are presented"). Thus, there  
21 is no lesser alternative available to denial of Walton's petition for redress and dismissal of this  
22 action.

23 In sum, under these circumstances, four of the five factors favor dismissal. So I adopt  
24 Judge Youchah's recommendation to deny Walton's petition for redress with prejudice. I also  
25 sua sponte dismiss this action in its entirety. *Sparling v. Hoffman Const. Co.*, 864 F.2d 635, 638 (9th  
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1 Cir. 1988) (District courts have the authority to dismiss cases sua sponte without notice to the  
2 plaintiff when he cannot possibly win relief.).

3 **Conclusion**

4 IT IS HEREBY ORDERED that the magistrate judge's report and recommendation [ECF  
5 No. 9] is adopted in full, and Walton's petition for redress of grievances [ECF No. 5] is  
6 denied, with prejudice.

7 IT IS FURTHER ORDERED that Ewing Bros., Inc.'s<sup>2</sup> motion to dismiss [ECF No. 6] is  
8 denied as moot.

9 Because this case is dismissed with prejudice, the Clerk of Court is kindly directed to  
10 enter judgment accordingly and to close this case.

11 Dated: March 12, 2025

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13 Cristina D. Silva  
14 United States District Judge  
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<sup>2</sup> Incorrectly named as Ewing Towing Inc. ECF No. 6.